



## CONSTRUCTION INDUSTRY AIR QUALITY COALITION

Coalition Members



September 3, 2009

Ms. Mary Nichols, Chairman  
California Air Resources Board  
1001 "I" Street  
P.O. Box 2815  
Sacramento, California 95812

RE: 15-Day Notice of Public Availability of Modified Text Posted – Truck and Bus Regulation

Dear Chairwoman Nichols:

These comments are submitted on behalf of the Construction Industry Air Quality Coalition (CIAQC) on the Notice of Public Availability of Modified Text for the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, and Greenhouse Gases from In-Use Heavy-Duty Diesel-Fueled Vehicles Operating in California (Truck and Bus Regulation) dated August 19, 2009. As a general comment, it is important to restate that CIAQC's member companies and California contractors with applicable fleets will be heavily impacted by the Truck and Bus Regulation.

The California Air Resources Board (CARB) estimates that the cost of the Truck and Bus Regulation to California's construction industry to be \$1 billion. Of all the vehicles covered by this regulation, CARB estimates that 76,000 vehicles are construction trucks. Two thirds of these vehicles are owned and operated by small and medium fleets. Overall, more than 20 percent of the cost of the proposed On-Road Regulation expected to be incurred by the construction industry. These costs are additional to the billions of dollars required to comply with the Off-Road Regulation. The construction industry simply does not have the resources to fulfill these mandates.

The Truck and Bus Regulation language is enormously complex. This regulation affects companies with as few as one employee/owner and one truck, and construction companies very limited staff and resources. It is going to be a great challenge for many affected fleet owners to understand what is required to comply with the regulation. CARB must ensure that it has adequate resources available to assist those who are having difficulty understanding what is required of them, including outreach, rather than emphasizing enforcement actions as the path toward compliance.

More specifically, modifications embodied in Section 2025 (b)(1) wherein language has been added to include yard trucks with both on-road and off-road engines is worrisome to the construction industry. Our interpretation of the

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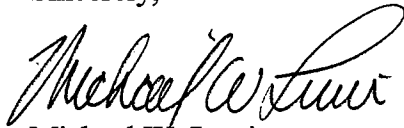
Major Funding Provided by the Construction Industry Advancement Fund and the Fund for Construction Industry Advancement

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original rule did not include those vehicles within the Truck and Bus Regulation. Therefore it is our request that CARB undertake an additional analysis to confirm its ability to include this narrow class of vehicles within the regulatory framework.

CIAQC believes that CARB should perform a comprehensive analysis and examination of the cumulative economic impacts of the Off-Road and Truck and Bus Regulations and other CARB air quality regulations affecting the construction industry. Many contractors with on-road and off-road fleets often own portable equipment and large spark-ignited engines that are also subject to aggressive replacement and retirement schedules. The cumulative costs to comply with Truck and Bus Regulation as well as other vehicle and equipment regulations can not be ignored.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Lewis". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael W. Lewis  
Senior Vice President